

REMARKS

Claim Rejections - 35 U.S.C. § 101

In the pending Office Action, the Examiner states:

Claims 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims lacks a statutory apparatus within the body of the claim.

Applicant's foregoing amendments to claim 25 overcome the Examiner's rejection.

Claim Rejections - 35 U.S.C. § 112

The Examiner also states:

Claims 1-24 and 26-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claim the steps of determining an asset allocation of the generated portfolio by comparing the asset allocation of the generated portfolio to the target allocation is indefinite in scope as to how the a generated portfolio (a list of assets) is compared to a target allocation (a list of percentages).

Applicant's foregoing amendments to claims 1 and 26 overcome the Examiner's rejections regarding claims 1 and 26 and the corresponding dependent claims.

In addition, the steps required to generate a portfolio are indefinite, thus a generated portfolio is indefinite. Even assuming a generated portfolio is made clear, the step of comparing is indefinite in scope, as to what is being compared and what is the outcome of the comparison.

Applicant's foregoing amendments to claims 1 and 26 overcome the Examiner's rejections regarding claims 1 and 26 and the corresponding dependent claims.

In the claims, "closely matches" is subjective.

Applicant's foregoing amendments to claims 4 and 29 overcome the Examiner's rejections. While Applicant disagrees that closely matches is indefinite Applicant has amended the claims to recite "substantially matches," which provides a degree of tolerance to the claimed feature and is akin to about and is not subjective.

For at least any or all of these reasons, claims 1, 25 and 26 are patentable. All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer. Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

No fees are believed due at this time. However, please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 08575-0046001.

Respectfully submitted,

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